

7.1 Definition of List Maintenance

List maintenance is the process of maintaining an accurate and current list of registered voters. The processes for maintaining this list must be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965. These processes are based on [Title 24.2](#) of the Virginia Code, the National Voter Registration Act of 1993 (NVRA, [42 USC 1973gg-1 et seq.](#)), and the Help America Vote Act of 2002 (HAVA, [42 USC 15301 et seq.](#))

Adding, updating, and deleting voter records maintain the list of registered voters. List maintenance procedures govern removal of names in a consistent, non-discriminatory manner.

7.2 Cancellation of Registration

Consistent with federal law, § [24.2-427](#) requires the registrar to cancel registrations under certain conditions.

- The person is deceased; ([42 USC 1973gg-6\(a\)\(4\)\(A\)](#))
- The person has been convicted of a felony; ([42 USC 1973gg-6\(a\)\(3\)\(B\)](#))
- The person is the subject of an adjudication of incapacity; ([42 USC 1973gg-6\(a\)\(3\)\(B\)](#))
- The person has moved to another state;
- The registrar receives a notice that the person has registered in another state; ([42 USC 1973gg-6\(a\)\(4\)](#))
- The person fails to respond to an address confirmation request and fails to take action for two federal elections.
- The person requests that his/her name be removed from the rolls. ([42 USC 1973gg-68\(d\)\(1\)\(A\)](#))

The person has failed to respond within 14 days to a request from the general registrar to affirm citizenship.¹ DMV is required to forward to SBE lists of individuals who indicated they were not U.S. citizens in a DMV transaction. Upon determining an individual listed as a non-citizen matches a currently registered voter, the general registrar must notify the voter promptly and allow the voter 14 days to affirm citizenship before canceling the voter's registration. (§§ [24.2-410.1](#), [24.2-427](#)). A voter registration application may be used for this purpose. Correspondence and a form to automate this process in VERIS have been approved and may be implemented in the future.

¹ Registrars must issue request to voters indicating noncitizen status in DMV transactions. VERIS has automated this process and will generate the form and correspondence. A new voter registration application can also be used to affirm U.S. citizenship.

(§§ [24.2-410.1](#) and [24.2-427](#)) Section [§24.2-428.2](#) requires the registrar to cancel a registration after a confirmation notice has been sent and there is no response after two federal general elections. ([42 USC 1973gg-6\(b\)\(2\) and \(c\)\(1\)\(B\)\(ii\)](#)) A response may include voting or attempting to vote. [§24.2-428.2](#).

Failure to vote cannot be the sole basis for removing a person from the rolls. ([42 USC 1973gg-6\(b\)\(2\)](#))

7.3 Deceased Registrants

Each month VERIS receives new electronic files from the Bureau of Vital Statistics and the Social Security Administration. The VERIS Hopper and the Agency Updates screens will reflect the new information. Registrars may be able to get some of this information more quickly by getting these reports monthly from their local health officials.

- Read the obituary column of your local newspapers and use the information found there. You may need to verify the exact identity of the individual with the funeral home.
- Mark the back of the application in the box provided for deceased, the date of death, and the source of the information.
- If there is no box, put the information in the back in the lower right corner of the application.
- Attach appropriate documentation to the back of the application or keep the information in a separate file.
- Cancel the voter registration using the VERIS Hopper or the Change Status screens. On the Change Status screen select “Deceased” for the NVRA reason.
- File the application form in the Deleted file.
- Retain and destroy in compliance with the GS-1 Records Retention and Disposition Schedule.

VERIS will generate a cancellation letter expressing condolences to “The Family of” the deceased former voter. Consideration should be given to timing the mailing of the notification to allow time for grieving, about 10 days following a published death notice is appropriate.

7.4 Reports of Felony Convictions [§24.2-409](#)

Each month VERIS receives new electronic files reporting felony convictions from the Virginia State Police CCRE (Central Criminal Records Exchange), as permitted by [§ 19.2-389](#) of the Code of Virginia. In addition, reports of felony convictions by United States District Courts are received on paper and entered manually. The VERIS Hopper and Agency Update screens will reflect the new information. This voter registration record information is not open to inspection or copying by the public.

- The information is not always accurate. Individuals have the right to challenge the record. [§ 2.2-3806](#). They should contact the State Police. Upon

request from the general registrar, SBE will contact the State Police to confirm accuracy of the conviction.

- Should the individual wish to challenge the record, give the individual a ["Criminal Record Name Search" form SP-167](#), so that he/she may request the conviction data maintained on file in CCRE.
- The individual must give you a copy of the correction or receive a correction letter from the State Police to be eligible to register.
- If no correction letter is provided, mark the back of the application form under Convicted of Felony, giving the date of the felony conviction and the State Police SID number. If there is no box, put the information in the back in the lower right corner of the application.
- Cancel the voter from the rolls by using the VERIS Hopper or the Change Status screens. On the Change Status screen select "Felon" for the NVRA reason.
- You must process all Felony Conviction potential matches through the Hopper. Individual voters may also be cancelled through the Change Status Screen. You must determine if a registered voter matches the Felony Conviction information and if so, approve the match to cancel the voter's registration. VERIS will automatically generate a notice of cancellation to the individual that states the reason for removal and any other comments you entered when canceling the voter. You must include with the notice of cancellation the Application and Instructions for Restoration of Civil Rights.
- File the registrant's application in the Deleted file.

7.5 Reports of adjudications of incapacity [§ 24.2-410](#)

The Circuit Court Clerks are required to send SBE monthly reports of all persons adjudicated mentally incompetent or a statement no adjudications have occurred that month. SBE forwards these reports to general registrars who are responsible for entering applicable data into VERIS. General registrars must enter this information through the Agency Update Maintain page even if the voter has already been canceled and is not an active or inactive registrant in your locality by filling in all required fields from the report. Entering this information will allow the system to automatically search for potential matches, which will appear in the appropriate locality's Hopper.

- Records about individual adjudications of incapacity are not open to public inspection or copying.
- Adjudications of this type are rare. Simple commitment to an institution for treatment does not constitute adjudication of mental incompetence or incapacity.
- Mark the back of the application form under Judged Incapacitated, giving the date of the adjudication and the Circuit Court case number. If there is no box, put the information in the back in the lower right corner of the application.
- After the data has been entered into VERIS, the general registrar must process all potential matches through the Hopper that appears for the locality. The general registrar must determine if a registered voter matches the adjudication information and if so, approve the match to cancel the voter's registration. Individual voters may also be cancelled through the Change Status Screen. On the Change Status

screen, select the “Mentally Incapacitated” NVRA reason. VERIS will automatically generate a notice of cancellation to the individual, which states the reason for removal and any other comments you entered when canceling the voter.

- File the registrant’s application in the Deleted file.

Note: Adjudication may expressly provide voting rights so that the person is eligible to be registered. However, if the order is silent about voting, it will be deemed to disqualify the person from voting. See Chapter 9, part 9.1.4. A legal representative of a person under an adjudication of incapacity may petition the circuit court to make provision for voting rights.

7.6 DMV Information Indicating Move to Other States Triggers Confirmation

Each month VERIS receives an electronic file from DMV of persons who have surrendered their Virginia driver’s licenses indicating move to another state.

- VERIS will automatically search for any potential matches of registered voters to the electronic file from DMV.
- The potential matches will appear in the VERIS Hopper for the locality. After reviewing the record, the GR may select that the record is a match in order to initiate the confirmation process to send notice to the voter. This process will not cancel the registrant from the registration rolls, but will initiate the process for confirming residence address.

7.7 Confirmed Registration or Move Out-of-State Requires Cancelling Virginia registration

SBE sends registrars all notices received from other states confirming voter moves and registration out-of-state. GRs also may receive these notices and applications for other states directly from the voter or their new state .A signed writing from the voter or another state confirming an out-of-state move or registration requires cancelling the Virginia voter registration. § 24.2-427 (B) (iii). These notices require the following action:

- The GR should forward any applications or notices received by mistake to the correct jurisdiction .
- The GR marks the appropriate box on the voter’s Virginia application record and includes the date of Virginia registration cancellation. For applications lacking an office use area, the cancellation information should be written on the back in the lower right corner of the application.
- The GR cancels the voter registration using the VERIS Hopper or the Change Status screens. On the Change Status screen select “Out of State” for the NVRA reason. This will automatically generate the required correspondence to be sent to the voter listing the reason for the cancellation.
- Attach appropriate documentation to the application form or keep them in a separate file.

- File the registrant's application form in the Deleted file.
- Retain and destroy in compliance with the GS-1 Records Retention and Disposition Schedule.

7.8 Personal Request Cancellations

Persons who wish to cancel their valid registration for personal reasons must submit the signed request in writing either by mail, fax or in person.

- Within 10 days, the general registrar must send a letter or card confirming the voter's removal. Canceling a voter's record through VERIS will automatically generate this required correspondence. [§ 24.2-427\(A\)](#). The General registrar effects cancellation by using the VERIS Change Status screen and selecting to cancel the voter for the reason of "Per Choice." This action will automatically generate the required correspondence to be sent to the voter listing the reason for the cancellation. Correspondence must be sent within ten (10) days of receipt of the request for cancellation.
- The GR marks the appropriate box on the application indicating Personal Request with the date of removal of the voter. If there is no box, the information should be written on the back in the lower right corner of the application.
- Staple the information for the removal to the back of the application form or keep this information in a separate file.
- Voters who mail notice of a move during the twenty-two (22) days before an election may not be cancelled unless the request is notarized or made in person at the registrar's office. ([§ 24.2-427](#)).
- To effect cancellation during the twenty-one (21) days before an election, the voter must either make the request in person, in the registrar's office, or submit a notarized writing. ([§ 24.2-427](#)).
- File the registrant's application in the Deleted file.

7.9 Error Cancel

General registrations may need to cancel registrations in VERIS for administrative reasons.

- Administrative corrections that do not actually cancel a voter do not require notice.
- If a voter card has already been issued, correcting a registration approved in error requires following the applicable confirmation or cancellation process. For example, if after approving an application the GR discovers they overlooked information warranting inquiry as to residence, then the GR may list the voter for a confirmation mailing or initiate the hearing procedure under [§ 24.2-429](#) appealable to the circuit court under [§ 24.2-430](#). If after approving registration the GR discovers they overlooked some evidence of ineligibility such as omission of citizenship or a felony without restoration, then the regular cancellation process with notice to the voter under [§ 24.2-427](#) would be followed.

- The GR removes the voter using the VERIS Change Status screen by selecting to cancel the voter for the reason of “Registrar Error, if applicable, or Ineligible”.
- File the registrant’s application in the Deleted file for the required retention period. See Chapter 6.

7.10 Confirmation Mailing

National Voter Registration Act (NVRA) requires each state to set up a maintenance system to identify voters who have moved ([42 U.S.C. 1973gg-6\(a\)\(4\)](#)). Many states, including Virginia, use the U.S. Postal Service's National Change of Address system registry program (NCOA) to do this. Section §[24.2-428](#) of the Code of Virginia defines the procedures used.

Once a year, SBE uses the information in the National Change of Address (NCOA) system registry program to match the records of all Active registrants on VERIS with the Postal Service addresses. This is the “Confirmation Mailing.” Registrars receive two copies of each, one with social security numbers, which is the official working document and one without social security numbers, which is the public document.

The local General Registrar can also request that a confirmation notice be sent to registrant. When the General Registrar initiates this request, “Confirmation Mailing” is recorded in the registrant’s record.

- The program provides a data file for each identified registrant whose address does not match the Postal Service.
- The data file is imported into VERIS and Confirmation Mailing is recorded in the registrant’s record; the data file is sent to the mail vendor. The data file will also include registrants who were set for confirmation mailing by General Registrars who have reliable information indicating a voter has moved (e.g., official mail such as a voter card or letter returned as undeliverable).
- The Mail vendor prepares and mails the Confirmation Notice to the registrants.
- The Confirmation Notice contains a return, postage paid card and instructions for completing the card.
- A confirmation mailing status puts the registrant into inactive status after thirty (30) days if there was no response from the voter to the Confirmation Notice. This applies to registrants that were either identified by the general registrar, processed from data received from DMV, or identified through the NCOA match as moving to a new locality.

VERIS also generates two Confirmation Notice Reports: one for the run generated by changes made by registrars and one for the run based on NCOA. VERIS also generates a report listing all current registrants identified as having moved within the same city or county. If the GR is satisfied the voter has moved to a new precinct in the same locality, the GR is authorized to transfer the voter to the new precincts and issued a new voter card. [§ 24.2-424](#) (B).